

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200600740

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 8/11/06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** _Y_ (Y/N) **Date:** 10/4/06
At the project site _Y_ (Y/N) **Date:** 7/27/06

PROJECT LOCATION INFORMATION:

State: Washington
County: Skagit
Center coordinates of site by latitude & longitudinal coordinates: Lat 48° 27' 33" Long 122° 32' 59.7"
Approximate size of site/property (including uplands & in acres): 1.94 acres
Name of waterway or watershed: Padilla Bay

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** __ **Or** **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD: The two acre site consists of two parcels and trends north to south. The southern portion of the property is developed with a single-family residence and attendant features. The northern portion of the site is undeveloped open pasture. Surrounding vicinity has been lightly developed for residential and industrial use. The site is bounded on the north side by Highway 20, northwest and northeast side by undeveloped land, on the southwest side by a single-family residence, on the south side by Stevenson Road, and the southeast side by a commercial development. Wetland A is located in the northwestern portion of parcel 2 in a disturbed area that was once used as pastureland. Wetland A does not have a surface water connection to other navigable or interstate waters of the U. S or tributaries of waters of the U. S. The wetland is not used for interstate commerce including recreational activities, commercial fishing activities, or used for industrial purposes.

Wetland B is located in the northwest corner of the subject property and is part of a wetland complex extending offsite. This wetland is adjacent to a roadside ditch running along the south side of S. R. 20. which flows into Padilla Bay, a tidal waterbody used for interstate and foreign commerce. Wetland B is a jurisdictional water of the U. S.